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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/657,687   | 09/08/2003  | Salvatore Rea        | 2002L007A              | 1241             |
| 7590<br>Infineum USA L.P.<br>Law Department<br>1900 East Linden Avenue<br>P. O. Box 710<br>Linden, NJ 07036-0710 |             |                      |                        |                  |
|  |             |                      | EXAMINER               |                  |
|  |             |                      | NERANGIS, VICKIE MARIE |                  |
|  |             |                      | ART UNIT               | PAPER NUMBER     |
|  |             |                      | 1796                   |                  |
|  |             |                      | MAIL DATE              | DELIVERY MODE    |
|  |             |                      | 05/19/2009             | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**After the Filing of an Appeal Brief**

|                 |              |  |
|-----------------|--------------|--|
| Application No. | Applicant(s) |  |
| 10/657,687      | REA ET AL.   |  |
| Examiner        | Art Unit     |  |
| VICKEY NERANGIS | 1796         |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

The reply filed 02 April 2009 is acknowledged.

1. ☒ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☒ The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The response does not provide a reason why the affidavit is necessary and was not earlier presented. 37 CFR 41.33. Furthermore, the affidavit does not overcome all rejections under appeal.

/Vicky Nerangis/  
Examiner, Art Unit 1796